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**Minutes of Meeting
Grafton Planning Board
October 26, 2009**

A regular meeting of the Grafton Planning Board was held on Monday, October 26, 2009 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Bruce W. Spinney III, Vice-Chairman, Robert Hassinger, Clerk Peter Parsons, Heath Christensen, Stephen Qualey and Associate Member Sadie Miller. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – REQUEST FOR PLANNING BOARD DEFINITIVE PLAN
ENDORSEMENT FOR “BRIGHAM HILL ESTATES” SUBDIVISION – GRAZ
ENGINEERING, L.L.C., PETITIONER**

Mr. Bishop informed the Board that Graves Engineering was not able to complete the final review in time for submission to the Planning Board for this meeting.

Attorney Todd Brodeur of Fletcher, Tilton & Whipple, stated that the mortgage was foreclosed on the subdivision, sold at auction on October 14, and has a new owner, Thomas Zocco. Attorney Brodeur noted the name has been changed to Brigham Hill Development, LLC.

Attorney Brodeur explained to the Board that the conundrum they are facing is that they need to transfer the open space parcel to the Land Trust, but are unable to do this until the Definitive plan is recorded. However, they cannot record the plan until it is signed by the Board, and as a decision condition, the Board cannot sign the plan until the open space parcel is transferred and recorded to the Land Trust. Attorney Brodeur noted they have agreed to address the open space by recording the plan, then record the plan recording onto the Land Trust deed and then record the deed immediately.

Attorney Brodeur requested the Board grant a two-week continuance to allow the Graves Engineering review and the Board to sign the plans for recording.

MOTION by Mr. Parsons, **SECOND** by Mr. Qualey, to grant the petitioner's written request to continue the endorsement request for two weeks. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 1-B – AGREEMENT WITH TRAVELERS FOR “CORTLAND
MANOR”**

Mr. Bishop stated the Settlement Agreement was a culmination of two months of working together with Travelers, Graves, Town Counsel and the Town Engineering

department to encompass the completion of the subdivision. Mr. Bishop wished to note that the Agreement contained specific reference to Sections 3.3.11, 3.3.12 and 5.16 with regard to completion and maintenance of the subdivision and the Mass General Law for peer review account requirements to the Town.

The Board discussed if the Town's interests were protected with the Agreement and what options the Town would have if the work is not completed. Mr. Bishop noted the Agreement had been reviewed and discussed with Town Counsel who concurred with him that the Agreement was satisfactory. Mr. Bishop clarified that the Town owns the subdivision and has the responsibility to complete it, but Travelers has agreed to take on the responsibility to complete the infrastructure. Mr. Bishop noted it is his recommendation to endorse the Settlement Agreement as drafted.

MOTION by Mr. Parsons, **SECOND** by Mr. Christensen, to accept the Settlement Agreement as presented to the Board.

DISCUSSION: Mr. Hassinger stated that timeliness is an issue and that he would like to feel more comfortable having more leverage and better mechanisms in place. Chairman Spinney and Mr. Qualey expressed concerns for having immediate information provided for the maintenance issues, specifically winter sanding and plowing. Mr. Hassinger noted he had concerns for the homeowners being able to contact someone for problems within the subdivision.

MOTION carried 4 to 1 by roll call vote: Qualey-aye; Christensen-aye; Spinney-aye; Hassinger-no; Parsons-aye.

DISCUSSION ITEM 1-A – PRE-SUBMISSION MEETING – “HILLTOP PLAZA”
– 116 MILFORD ROAD – MIKE WEAVER, GUERRIERE & HALNON, INC.
PETITIONER

Present for Rocco Addeo were Michael Weaver of Guerriere & Halnon, Inc. and Attorney Joseph Antonellis.

Mr. Weaver briefly reviewed the previously denied special permit application and discussed the proposed clarifications submitted that could be incorporated into a new submission. Mr. Weaver asked the Board if they had any further input to provide which would help the applicant to further address all concerns of the Board.

The Board agreed unanimously that they would not be able to give any further input as it would depend on what the uses and requirements are, which would also affect any screening/buffering and traffic issues, but agreed that the revised list of proposed uses was a reasonable starting place.

DISCUSSION ITEM 2-B – PRE-SUBMISSION MEETING – “VILLAGE AT INSTITUTE ROAD”, DOMINIC AFONSO PROJECT – NORMAND GAMACHE, GUERRIERE & HALNON, INC., PETITIONER

Normand Gamache of Guerriere & Halnon, Inc. briefly reviewed the history of Mr. Afonso's attempts to develop the 33-acre parcel off Institute Road with a Commercial/Residential village mix and an Affordable Housing friendly 40-B, both of which are not feasible. Mr. Gamache noted the area is zoned for R-20, Residential single family homes, which are what Mr. Afonso will be submitting to the Board for approval.

The Board expressed concerns for the constructing of any more single family homes, with many subdivisions already unable to sell the existing homes that have been built throughout Grafton. The Board suggested Mr. Afonso continue to pursue the re-zoning of the property and some affordable housing units. Mr. Gamache noted they did not feel there is enough support for the zoning change at Town Meeting.

The Board reminded Mr. Gamache that they will be very cautious with any new residential submissions.

The Board unanimously stated they would like to see Mr. Afonso re-consider providing Affordable Housing units to the Town for this area.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “BRIDLE RIDGE” (A/K/A “NORTH GRAFTON ESTATES I”) SUBDIVISION – HUCKINS FARM, LP (APPLICANT/OWNER)

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “NORTH GRAFTON ESTATES II” SUBDIVISION – HUCKINS FARM, LP (APPLICANT/OWNER)

Mr. Parsons read the legal notice and Chairman Spinney stated the Board would open both public hearings simultaneously. Attorney Mark Kablack, representing Huckins Farm, LP and Eric Carlson, Senior Land Development Manager for Toll Brothers, Inc. were present for the applicant.

Attorney Kablack recapped the subdivision history, noting that the as-builts and acceptance plans had been submitted two years ago, with a punch list generated. Attorney Kablack noted their intention was to have Graves Engineering update the punch list for the remaining items to be addressed.

David Deacon of 33 Bridle Ridge Drive informed the Board he had three issues he was concerned with: 1.) The street/stop signs did not seem to be securely installed into the ground and were being found lying on the side of the street or randomly on the ground. 2.) The wiring of the street lights had left wires exposed on the outside of their bases that were being cut off by landscaping crews or homeowners mowing their lawns, causing a hazard that needed to be checked. 3.) The noise from the Mass Turnpike traffic had become substantially louder. Mr. Deacon noted that there used to be a fairly large earth

berm consisting of cut and fill material at this end of the subdivision providing a buffer for the traffic noise. Mr. Deacon also added that in the past Senator Augustus and State Representative Peterson had held a meeting concerning noise abatement for larger neighborhoods abutting the Turnpike and was wondering if anything could be done between the Planning Board, Toll Brothers and the Mass Turnpike to install a sound barrier.

Mr. Carlson stated they had replaced some stop signs within the subdivision but was not aware of what Mr. Deacon described and that he would check into the problem.

Mr. Hassinger noted that if this is a vandalism problem, it was probably better to notify the police instead.

Frank Smith of 49 Bridle Ridge Drive stated there did not seem to be any standard to the installation of the signs, and recommended that someone inspect them to be sure they are installed correctly and securely.

Mr. Hassinger noted that the DPW would look at these issues as part of the Determination of Completeness review and Mr. Carlson stated he will review them also.

Stephen Turcotte of 30 Bridle Ridge Drive added that the wiring issue was a good example of work that has not been performed correctly and safely.

Brian Marino of 12 Morgan Drive informed the Board that there are properties within the subdivisions that have been trenched, piped and connected into the storm drains/catch basins. Mr. Marino asked the Board if this was acceptable procedure regarding drainage work.

Mr. Bishop remarked that the final review will be started next week, including the checking of every manhole, catch basin, etc.

Mr. Marino also noted problems he perceived when a site company was trenching and installing the street lights. Mr. Marino stated there did not seem to be any licensed electricians present or any inspection work being performed before the trenches were sealed by the site workers. Mr. Marino reminded the Board that there have been numerous electrical issues within the subdivisions.

Mr. Marino questioned the Board on the responsibilities of sanding and plowing for the subdivisions and was told that the developer was responsible to provide the same standards as the Town does for accepted roadways.

Mr. Bishop suggested that if there is an immediate public safety issue regarding maintenance, the Board of Selectmen should be contacted, but if there is a general maintenance issue, call the Planning Office and the developer will be contacted.

Donald Driscoll of 30 Morgan Drive informed the Board that there is a sump pump draining into the detention pond by Mr. Deacon's home, adding to the ever present drainage problems.

Mr. Deacon asked the Board if aside from structure sound proofing they would entertain the idea of an engineered berm between the Mass Pike and the subdivision development. Chairman Spinney suggested Mr. Deacon put the issue before Senator Augustus and State Representative Peterson.

Attorney Kablack commented to the Board that there was no documentation prior to tonight concerning noise abatement and was not prepared to address it this evening.

Mr. Turcotte invited the Board to view the severe erosion damage due to the torrents of water after a substantial rainfall, which has gone untreated since being reported as far as 5 years ago. Mr. Turcotte noted he has video and pictures to support this complaint.

Mark Botticelli of 32 Bridle Ridge Drive has submitted video and pictures to Toll Brothers and the Planning Board three years ago of the "biblical" torrents eroding down through the properties. Attorney Kablack stated he was not aware of the information being submitted to Toll Brothers. Mr. Botticelli commented that he had made Toll Brothers aware of the drainage problems, specifically alerting Michael Medeiros, who stated the problems would go away.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to close both public hearings. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the applicant's written request to extend the construction deadlines for both subdivisions to the Friday following the Planning Board's first June meeting. **MOTION** carried unanimously 5 to 0.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – "BROOKMEADOW VILLAGE" SUBDIVISION – BROOKMEADOW VILLAGE LLC (APPLICANT/OWNER)

Mr. Parsons read the legal notice and Chairman Spinney opened the public hearing. Present at the meeting were applicant/owner Greg Burrill and his engineer Michael Weaver of Guerriere & Halnon, Inc.

Mr. Weaver briefly recapped the status of the "Brookmeadow Village" subdivision, noting specifically that 55 of the 90 approved lots have been released from the Covenant, 14 houses have been completed, and 12 sold to date. Mr. Weaver added that Mr. Burrill was requesting a two-year extension due to the substantial site work that has been completed, and with the assurance he will appear before the Board in a year to provide a complete status report on the subdivision progress. Mr. Hassinger noted that the regulations state an extension is not to exceed one year, but that the regulation can be waived by the Board. Mr. Bishop wished to note that Mr. Burrill has maintained a model

site, with his maintenance and construction process handled well above most developer standards.

The Board unanimously agreed they had no issue in waiving this regulation for this subdivision as long as it is well documented to avoid setting precedence.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to close the public hearing. **MOTION** carried unanimously 5 to 0.

Mr. Bishop noted the concept should include the requirement to return to the Board in one year with a construction status report.

MOTION by Mr. Qualey, **SECOND** by Mr. Christensen, to waive the one-year rule and grant the applicant's written request for a two-year construction extension deadline, with the developer returning to the Board in one year for a status report.

DISCUSSION: Mr. Hassinger wished to add with the ability of the public to come back in one year also for homeowner input.

AMENDED MOTION by Mr. Qualey, **SECOND** by Mr. Christensen, to waive the one-year rule and grant the applicant's written request for a two-year construction extension deadline, with the developer returning to the Board in one year for a status report and the ability of the public to also come back for homeowner input. **MOTION** carried unanimously 5 to 0.

SP 2009-8 – GARY HENRICH, (APPLICANT/OWNER) – 115 PLEASANT STREET – COMMON DRIVEWAY

Mr. Parsons read the legal notice and Chairman Spinney opened the public hearing, noting the application had been re-submitted and re-advertised due to an incomplete notification of abutters.

Mr. Henrich was not present and there was no one present representing the applicant/owner.

Chairman Spinney received unanimous consent to take the testimony of the abutters present at the hearing.

Kathleen Campanale of 2 Powerline Drive asked the Board if another hearing could be scheduled so the applicant/owner can be present to answer abutters' questions and concerns.

Mr. Hassinger stated this was a matter of principle and that the Planning Board does not continue public hearing unless there is a written request from the applicant.

Ms. Campanale added that she has been in her home since October, 1978 and was told that there would never be a development behind her property, other than the easement for the electric company.

Clifford Giovannucci of 110 Pleasant Street questioned as to where the water for the homes will be coming from as there is not water connection on Pleasant Street. Mr. Qualey noted there were no Town Department comments returned on the project other than the Police Chief.

Jan Polanik of 2 Trinity Avenue informed the Board that he abuts the back of the property, has serious concerns about the pork chop lots and on the proximity of a house to his existing home.

Chairman Spinney informed the abutters that the applicant has the right to develop his property as long as he meets the zoning requirements.

Mr. Bishop stated the applicant's engineer was informed that he needs to show adequate access with better detail of the common driveway, which has not been provided. Mr. Hassinger also noted adequate information has not been provided for the requested waivers.

Mr. Giovannucci expressed concerns that the headlights of vehicles exiting the common driveway will shine directly into his home and requested the Board require the applicant to angle the driveway to be set between 110 & 112 Pleasant Street.

Robert Winchell of 2A Powerline Drive informed the Board that there will be clear-cutting of most of the 80 to 100 foot pine trees and wooded area on the parcel to be divided.

Mr. Hassinger expressed concerns of so much required information being omitted on the plan submitted.

Ms. Campanale added that there are also sewer lines that come down Pleasant Street, run through the property, and will be covered by the common driveway.

Mr. Bishop noted that this work is performed all the time with adequate manholes to accommodate the sewer lines beneath; but that it does require more detailed plans and Sewer Department approval, neither of which has ever been received.

Chairman Spinney received unanimous consent that during the public hearing a number of items were raised with no clear indication of the work proposed.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to draft a decision taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

STAFF REPORT

Mr. Bishop updated the Board on the defaulted subdivisions, stating there were still problems with the "Oakmont Farms" Subdivision, the developer John Callahan and his counsel, who has not been responsive to Town Counsel's outreach.

Mr. Bishop also stated he is working with the insurance representative for the Woods @ Stonegate, specifically an ongoing drainage issue of a culvert shedding water offsite.

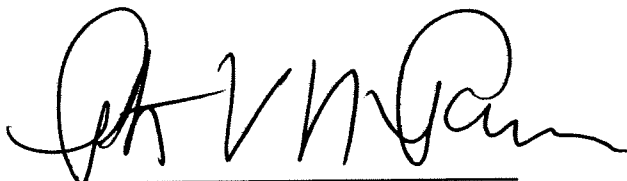
Mr. Bishop reminded the Board of the Fisherville & Farnumsville Streetscape Project meeting scheduled for 5:00 p.m. on Thursday, November 19 at the South Grafton Community House. Mr. Bishop remarked that they will be concentrating on more information for the zoning proposal, which is a major piece of the work and will be forwarded to the Planning Board, with a final presentation in December or January before the Board of Selectmen for their recommendation. Mr. Bishop added there has been a heartening response from the abutters in the area, allowing the committee to maximize the streetscape, along with \$671,000.00 in additional funds to the \$1.2 million dollars of State & Federal funding, which will help close out remediation of the Fisherville Mills site.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Parsons, **SECOND** by Mr. Qualey, to approve the open session minutes of October 5, 2009 with the correction noted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Parsons, **SECOND** by Mr. Christensen, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:40 p.m.

A handwritten signature in black ink, appearing to read "Peter Parsons", written over a horizontal line.

Peter Parsons, Clerk